



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

JUL 02 2008

LR-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas Cozza
Safety, Sanitation and Compliance Manager
Clear Lam Packaging, Inc.
1950 Pratt Boulevard
Elk Grove Village, Illinois 60007

Re: Notice of Violation
RCRA Compliance Evaluation Inspection – Clear Lam Packaging, Inc.
EPA ID. No.: ILD 984 805 317

Dear Mr. Cozza:

On May 1, 2008, a representative of the U.S. Environmental Protection Agency inspected the Clear Lam Packaging, Inc. (Clear Lam Packaging) facility, located in Elk Grove Village, Illinois. The purpose of the inspection was to evaluate Clear Lam Packaging's compliance with certain provisions of the Resource Conservation and Recovery Act (RCRA); specifically, those regulations related to the generation, treatment and storage of hazardous waste. Please find enclosed a copy of the inspection report, along with the Office of Enforcement and Compliance Assurance EPA Small Business Information Sheet and the Illinois Waste Management and Research Center Sustainable Solutions brochure for your reference.

Based on information provided by Clear Lam Packaging personnel, review of records, and personal observations made by the inspector at the time of the investigation, the EPA has determined that Clear Lam Packaging is in violation of the Illinois Administrative Code (IAC) and the United States Code of Federal Regulations (CFR).

To be eligible for the exemption from having a hazardous waste storage permit, Clear Lam Packaging must be in compliance with the conditions of 35 IAC § 722.134(a) and (c) [40 CFR § 262.34(a) and (c)]. We find that Clear Lam Packaging was in noncompliance with the following conditions for a hazardous waste storage permit exemption:

1. A generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any

area of facility operation in an emergency. *See*, 35 IAC § 722.134(a)(4); 35 IAC § 725.135 [40 C.F.R. § 262.34(a)(4); 40 C.F.R. § 265.35].

At the time of the inspection, Clear Lam Packaging was storing approximately fifty 55-gallon containers of hazardous waste without adequate aisle space in the hazardous waste storage area.

2. A generator of hazardous waste must ensure that the date, upon which each period of accumulation begins, is clearly marked and visible for inspection on each container of hazardous waste, and while being accumulated on-site, each container of hazardous waste must be labeled or marked clearly with the words, "Hazardous Waste." *See*, 35 IAC § 722.134(a)(2) and (a)(3) [40 CFR § 262.34(a)(2) and (a)(3)].

At the time of the inspection, Clear Lam Packaging was storing one 55-gallon container of hazardous waste without an accumulation date and without the words, "Hazardous Waste," marked on the container.

3. A generator of hazardous waste must keep each container holding hazardous waste closed during storage, except when it is necessary to add or remove waste. *See*, 35 IAC §§ 722.134(a)(1)(A) and 725.273(a) [40 CFR §§ 262.34(a)(1)(i) and 265.173(a)].

At the time of the inspection, Clear Lam Packaging failed to keep several containers, including two containers having funnels screwed into the openings of the containers, of hazardous waste closed during storage, at a time when waste was not being added to or removed from the containers.

4. A generator of hazardous waste must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. *See*, 35 IAC § 722.134(a)(1)(A); 35 IAC § 725.274 [40 CFR § 262.34(a)(1)(i); 40 CFR § 265.174].

At the time of the inspection, Clear Lam Packaging had not performed weekly inspections of the hazardous waste storage area.

5. A generator of hazardous waste must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance. *See*, 35 IAC § 722.134(a)(4); 35 IAC § 725.116(c) and (d) [40 CFR § 262.34(a)(4); 40 C.F.R. § 265.16(c)(d)].

At the time of the inspection, Clear Lam Packaging's training program was not designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including; procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; response to groundwater contamination incidents; and shutdown of operations. In addition, Clear Lam Packaging's training program did

not include documentation that facility personnel took part in an annual review of the initial training required for years 2005 and 2006; did not include job titles, job descriptions or a written description of the type and amount of both initial training and continuing training that will be given to each person filling a position dealing with hazardous waste management; did not document that the training or job experience required had been given to, and completed by, facility personnel; and did not maintain training records of former employees for at least three years from the last date of employment.

6. A generator of hazardous waste must meet all of the requirements of the contingency plan as required in Subpart D (contingency plan and emergency procedures) of 40 CFR Part 265. *See*, 35 IAC § 722.134(a)(4); 35 IAC § 725.152(c), (d) and (e) [40 CFR § 262.34(a)(4); 40 C.F.R. § 265.52(c), (d) and (e)].

At the time of the inspection, Clear Lam Packaging did not describe arrangements with the hospitals and/or emergency response teams; did not contain the current emergency coordinator's name, office and home phone numbers and address; did not identify all of the emergency equipment including description, capability, and location; and had not been submitted to the police department, fire department, hospital or emergency response teams.

7. A generator of hazardous waste must make an attempt to make arrangements, as appropriate, with local emergency authorities to familiarize them with the layout of the facility, properties of hazardous waste handled, places where facility personnel would be working, entrances to roads inside the facility and evacuation routes; agreements designating the primary authority where more than one police or fire department might not respond; agreements with State emergency response teams, contractors and equipment suppliers; and arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the type of injuries or illnesses which could result from fires, explosions or releases at the facility, as required in Subpart C (preparedness and prevention) of 40 CFR Part 265. *See*, 35 IAC § 722.134(a)(4); 35 IAC § 725.137(a)(3) and (a)(4) [40 CFR § 262.34(a)(4); 40 C.F.R. § 265.37(a)(3) and (a)(4)].

At the time of the inspection, Clear Lam Packaging had not made agreements with State emergency response teams, contractors or equipment suppliers and had not made arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the type of injuries or illnesses which could results from fires, explosions or releases at the facility.

8. A generator that accumulates hazardous waste on-site for more than 90 days is an operator of a hazardous waste storage facility, and is required to obtain an Illinois hazardous waste storage permit. *See*, 35 IAC § 722.134(b) [40 C.F.R. § 262.34(b)].

At the time of the inspection, Clear Lam Packaging was storing one 55-gallon container of flammable hazardous waste for approximately 16 days greater than 90 days and one 55-

gallon container of flammable hazardous waste for approximately 40 days greater than 90 days. *See*, Photographs 21, 22 and 24, located in Attachment 1 of the enclosed Compliance Evaluation Inspection Report. Therefore, Clear Lam Packaging was required to obtain a hazardous waste storage permit.

9. A large quantity generator that accumulates hazardous waste on-site and does not meet the conditions for a permit exemption of 35 IAC § 722.134 and 40 CFR § 262.34 is an operator of a hazardous waste storage facility, and is required to obtain an Illinois hazardous waste storage permit. *See*, 35 IAC § 722.134(a) [40 CFR § 262.34(a)]. Upon failing to meet the conditions identified in item numbers 1 through 8, listed above, Clear Lam Packaging became an operator of a hazardous waste storage facility. Clear Lam Packaging has not applied for or received a hazardous waste storage permit nor does Clear Lam Packaging have interim status. Clear Lam Packaging's failure to apply for and obtain a hazardous waste storage permit violated the permitting requirements of 35 IAC §§ 703.121 and 702.123 [40 CFR §§ 270.1(c) and 270.13]

At this time, U.S. EPA is not requiring Clear Lam Packaging to apply for an Illinois hazardous waste storage permit, provided that Clear Lam Packaging immediately complies with the conditions for an exemption set forth in the regulations identified above.

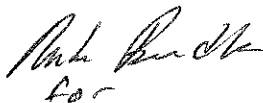
Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), EPA may issue an order assessing a civil penalty for any past or current violations and requiring compliance immediately or within a specified time period.

Although this letter is not such an order, we request that you submit a response in writing to this office no later than thirty (30) days after receipt of this letter documenting the actions, if any, which have been taken since the inspection to establish compliance with the above requirements.

You should submit your response to Jamie L. Paulin, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604.

If you have any questions regarding this letter, please contact Ms. Paulin, of my staff, at (312) 886-1771.

Sincerely,



Willie H. Harris, P.E.
Chief, RCRA Branch
Land and Chemicals Division

Enclosures

cc: Todd Marvel, Illinois Environmental Protection Agency

